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49013	7590	07/27/2005	EXAMINER	
MORRIS I. POLLACK 19 EBERHAROR ROAD EAST HANOVER, NJ 07936			TRUONG, THANHNGA B	
			ART UNIT	PAPER NUMBER
			2135	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/804,811

Applicant(s)

HOWES ET AL.

Examiner

Thanhnga B. Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/25/2005 (Amendment).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-16, 18-32 and 34-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-16, 18-32 and 34-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's amendment filed on April 25, 2005 has been entered. Claims 2-16, 18-32, 34-56 are pending. Claims 1, 17, and 33 are cancelled by the applicant. Claims 2-5, 12, 18-21, 28, 34, 37 are amended, and claims 49-56 are also added by the applicant.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2-5, 12, 18-21, 28, 34, 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended claims 2-5, 12, 18-21, 34, 37 to depend on the cancelled claims (1, 17, and 33). Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 2-16, 18-32, 34-49, 52, and 54 are rejected under 35 U.S.C. 102(b) as being anticipated by Rose, Jr. (US 5,521, 815).

a. Referring to claim 49:

i. Rose teaches:

(1) computer login means for permitting a user to login to the system [i.e., referring to Figures 1A-1H, the computer is an open systems environment and can communicate with any other computer system. To access the computer, the authorized users (i.e., auto dealers, salvage dealers, insurance

agents, and the DMV) have an authorized entry code which is transmitted from a remote terminal 2 via modem or RF device 4 to the data storage facilities 8, as shown in Figure 1A (column 11, lines 46-52)];

(2) encryption means for encrypting all said logins [i.e., a method of encryption can be used to further protect against fraudulent use of documentation produced by the central system (column 7, lines 60-61)];

(3) secure database means for receiving the login to verify and authenticate the user and computer login means [i.e., this is done in real time, with a relational data base with a high degree of security, fault tolerance and parallel processing. Furthermore, most items of value are insured, and this information may now be transmitted to the data base by any insurer. The transmission of data may also be performed by the dealer, the insurer, the manufacturer, or any other authorized entity. The system also requires that verification of the authenticity or value of the article be submitted initially and that once authenticated, it will only require updates to changes of ownership, condition, insurance, vehicle inspections, etc. (column 6, lines 55-63)]; and

(4) security number database means for assigning a unique security number for each article to be tracked [i.e., Rose's invention provides two variations of the system, one directed to articles having serial numbers or other identifying number assigned by the manufacturer, i.e. motor vehicles and boats; and the other directed to articles without manufacturer assigned serial numbers, such as artwork, antiques, and real estate. In the case of articles having serial numbers, the serial number is transmitted by an authorized agent to the centralized data base. The authorized agent may be the insurance agent, the authorized dealer, or any other agent authorized by the title company or government-authorized entity. The data base has, at a minimum, storage locations corresponding to each of the characters of the serial number, plus those necessary for expansion of the system to accommodate current or future changes to the VIN or title-related changes in federal and state law(s). The system then accesses the predetermined storage locations to assign a title number and a

registration number that is identical to the serial number plus the original state of entry, origin or titling (column 5, lines 30-50)].

b. Referring to claim 2:

i. Rose further teaches:

(1) wherein said computer login means includes at least a data input means and a server means [i.e., to begin, the VIN is transmitted to the data base 12. Any other relevant data may also be input at this stage. For example, if available, the registration number, title number, and data on the owner may be input, (i.e., name and address, social security number or federal identification number (FID)) (column 11, line 66 through column 12, line 4)].

c. Referring to claim 3:

i. Rose further teaches:

(1) wherein said database means may include a plurality of sub and ancillary database means each associated to some or all of the others [i.e., referring to Figure 1B, external data base entities 6 (i.e., DMV, insurance companies, R. L. Polk Co., salvage recyclers, court systems, state and local revenue systems, banks, finance companies, state and local police, vehicle repair, National Auto Theft Bureau etc.) also have security coded access 10 to the data storage facilities 8 (column 11, lines 55-60)].

d. Referring to claim 4:

i. Rose further teaches:

(1) wherein either said secure database means, or components thereof may be accessible through the internet [i.e., the centralized computer data bases are connected via computer modem/RF device, or other telecommunication device to all parties ordinarily involved in transactions relating to the article. For example, in the case of a motor vehicle, the centralized data base may be connected via computer modem/RF system and/or telephone lines to the insurance agent, the car dealer, and the DMV. In the case of artwork, the centralized data base may be connected to the art dealers, and insurance companies. In the case of real estate, the centralized data base may be

connected to the Land Courts and to the Registry of Deeds (column 5, lines 13-23)].

e. Referring to claim 5:

i. Rose further teaches:

(1) said security database means develops and maintains a chronological history of each article being tracked from the creation of that article at least until it is destroyed [i.e., once the title number and registration number are assigned (and the shortened registration number, when applicable) are created, the computer now is able to access an unlimited, title history file to record all important transactions pertaining to the article in a congruent and continual manner. The title history will, in general, include a list of all previous owners, the current owner, dates of purchase Bill of Sale, purchase prices, records of reported accidents or thefts, photo-images of the item or vehicle-original condition plus updated photo-images to show ongoing conditions as they may apply, including photo images and information on the authorized drivers and owners of the particular vehicle, and any other information which may be relevant, depending upon the type of article involved. For a simple example, in the case of the motor vehicle the title includes the odometer reading at each transaction. In the case of artwork, or antiques, the title indicates the type of verification shown to the insurance company or title company to authenticate the article (column 7, lines 15-33)].

f. Referring to claim 6:

i. Rose further teaches:

(1) wherein said security database means is accessible upon request by specified users to update and retrieve data concerning said chronological histories [i.e., referring to Figure 1C, assuming no such problem exists, the computer accesses the existing title history 100. It then determines the nature of the transaction at hand by asking the following series of questions: whether the purchase is new 102, i.e., the sale of a brand new vehicle; whether it

is a sale of a used vehicle 104; whether it is an update to an existing registration 106; and whether there has been an accident 108 (column 13, lines 15-22)].

g. Referring to claim 7:

i. This claim has limitations that is similar to those of claim 6, thus it is rejected with the same rationale applied against claim 6 above.

h. Referring to claim 8:

i. Rose further teaches:

(1) wherein said security database means in addition includes data and information concerning equipment that includes such devices, mechanisms and the like which, in turn, include said articles to be tracked and which are accessible to specified users upon request [i.e., if it is a new purchase, the new owner information is input 110. If it is a sale of a used vehicle, the "current owner" is converted to the prior owner 112 and the new owner's name and address and other appropriate information are entered 114. In the case where the transaction is merely an update to an existing registration, the new data is input 115. This may be new data such as a change of address or change of insurance company (column 13, lines 23-30)].

i. Referring to claim 9:

i. This claim has limitations that is similar to those of claim 5, thus it is rejected with the same rationale applied against claim 5 above.

j. Referring to claim 10:

i. Rose further teaches:

(1) wherein said security database means includes business rules, data and information that are correlated to specified user requests such that only certain users can input, update and/or search only specified portions of said security database means [i.e., to access the computer, the authorized users (i.e., auto dealers, salvage dealers, insurance agents, and the DMV) have an authorized entry code which is transmitted from a remote terminal 2 via modem or RF device 4 to the data storage facilities 8, as shown in Figure 1A. This is done in real time, with a relational data base with a high degree of security, fault tolerance and

parallel processing. External data base entities 6 (i.e., DMV, insurance companies, R. L. Polk Co., salvage recyclers, court systems, state and local revenue systems, banks, finance companies, state and local police, vehicle repair, National Auto Theft Bureau etc.) also have security coded access 10 to the data storage facilities 8. Additional security may also provided in the form of remote bar code scanner input devices 12 and remote photo imaging input devices 14 (column 11, lines 48-62)].

k. Referring to claim 11:

i. This claim has limitations that is similar to those of claim 5, thus it is rejected with the same rationale applied against claim 5 above.

l. Referring to claim 12:

i. Rose further teaches:

(1) wherein the articles to be tracked are parts, subassemblies, assemblies, devices or mechanisms, or combinations thereof [i.e., **Rose's invention provides two variations of the tracking system, one directed to articles having serial numbers or other identifying number assigned by the manufacturer, i.e. motor vehicles and boats; and the other directed to articles without manufacturer assigned serial numbers, such as artwork, antiques, and real estate (column 5, lines 30-35)].**

m. Referring to claims 13-16, 28-32, 44-48:

i. These claims have limitations that is similar to those of claim 12, thus they are rejected with the same rationale applied against claim 12 above.

n. Referring to claim 52:

i. This claim has limitations that is similar to those of claim 49, thus it is rejected with the same rationale applied against claim 49 above.

ii. Rose further teaches:

(1) said unique security number being applied directly to the article to be tracked and being of the material of said article [i.e., **one directed to articles having serial numbers or other identifying number assigned by the**

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manufacturer, i.e. motor vehicles and boats (column 5, lines 30-33 and more details in column 5, lines 47-63)].

o. Referring to claims 18, 34:

i. These claims have limitations that is similar to those of claim 2, thus they are rejected with the same rationale applied against claim 2 above.

p. Referring to claims 19, 35:

i. These claims have limitations that is similar to those of claim 3, thus they are rejected with the same rationale applied against claim 3 above.

q. Referring to claims 20, 36:

i. These claims have limitations that is similar to those of claim 4, thus they are rejected with the same rationale applied against claim 4 above.

r. Referring to claims 21, 37:

i. These claims have limitations that is similar to those of claim 5, thus they are rejected with the same rationale applied against claim 5 above.

s. Referring to claims 22, 38:

i. These claims have limitations that is similar to those of claim 6, thus they are rejected with the same rationale applied against claim 6 above.

t. Referring to claims 23, 39:

i. These claims have limitations that is similar to those of claim 7, thus they are rejected with the same rationale applied against claim 7 above.

u. Referring to claims 24, 40:

i. These claims have limitations that is similar to those of claim 8, thus they are rejected with the same rationale applied against claim 8 above.

v. Referring to claims 25, 41:

i. These claims have limitations that is similar to those of claim 9, thus they are rejected with the same rationale applied against claim 9 above.

w. Referring to claims 26, 42:

i. These claims have limitations that is similar to those of claim 10, thus they are rejected with the same rationale applied against claim 10 above.

x. Referring to claims 27, 43:

i. These claims have limitations that is similar to those of claim 11, thus they are rejected with the same rationale applied against claim 11 above.

y. Referring to claim 53:

i. This claim has limitations that is similar to those of claim 49, thus it is rejected with the same rationale applied against claim 49 above.

z. Referring to claim 54:

i. This claim has limitations that is similar to those of claims 49 and 52, thus it is rejected with the same rationale applied against claims 49 and 52 above.

ii. Rose further teaches:

(1) authenticating and verifying each such login [i.e., **The transmission of data may also be performed by the dealer, the insurer, the manufacturer, or any other authorized entity. The system also requires that verification of the authenticity or value of the article be submitted initially and that once authenticated, it will only require updates to changes of ownership, condition, insurance, vehicle inspections, etc (column 6, lines 57-63)]].**

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 50, 51, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rose, Jr. (US 5,521, 815), and further in view of Priddy (US 5,984,366).

a. Referring to claim 50:

i. Rose further teaches:

(1) wherein the articles to be tracked are marked with a matrix-type encoded symbology **[i.e., the new plate (registration) is encoded to the**

VIN/title number and if three alpha symbols and six numeric symbols are used, there are up to 17.576×10^9 possible combinations that must be assigned and verified by the computer program in order to avoid redundancy. This number can be expanded or reduced depending upon the particular items being registered using the encoding system. After the initial step of assigning the serial number or VIN of the article as the title number, all three numbers, the VIN; the title number and the registration number are congruent (column 6, lines 21-31)].

ii. Although Rose teaches the tracking article using the encoded system, Rose is silent about encoded with data matrix. On the other hand, Priddy teaches:

(1) The machine-readable data set is preferably configured as an optically readable binary code forming at least one matrix (or array). The matrices are commonly referred to as two-dimensional bar codes or matrix codes (column 3, lines 41-44 of Priddy). Referring to Figure 3 for further details on encoding system using data matrix and column 6, lines 53-67 and column 7, lines 1-17 of Priddy).

iii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have combined the teaching of Priddy into Rose's tracking system to provide a centralized uniform system for maintaining up-to-date and accurate titles of all objects of value throughout that object's life-cycle (column 4, lines 21-24 of Rose).

iv. The ordinary skilled person would have been motivated to:

(1) have combined the teaching of Priddy into Rose's tracking system to reduce the incidence of fraud involved within the titling process and with the issuance of false titles to articles of value (column 4, lines 25-27 of Rose).

b. Referring to claims 51, 55:

i. These claims have limitations that is similar to those of claim 52, thus they are rejected with the same rationale applied against claim 52 above.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

a. Leighton et al (US 4,879,747) discloses the method and system of the invention utilizes a private key of a public-key cryptosystem key pair to encrypt a non-secret password into a digital signature. The password and the digital signature are then encoded and stored on a magnetic stripe or other memory device of the card (see abstract).

b. Finch (US 6,850,902) discloses a method and system for gathering, storing, and tracking title and specific farm, lawn, and industrial equipment information in a multiple user-level centralized computer system accessible by users of the Internet includes the steps of gathering and storing title data related to equipment ownership, including lender information, and specific product information such as hours of use and warranty information (see abstract).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanhnga (Tanya) Truong whose telephone number is 703-305-0327.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached at 703-305-4393. The fax and

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phone numbers for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

TC 2100 will be moved to Carlyle in October 2004, the new telephone number for TC 2100 receptionist is 571-272-2100. In October 2004, any inquiry concerning this communication should be directed to Thanhnga (Tanya) Truong whose new telephone number is 571-272-3858, and the examiner's supervisor, Kim Vu can be reached at 571-272-3859.

TBT

July 25, 2005



KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100